

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

GLOBAL HUNTER, LLC

PLAINTIFF,

v.

DES MOINES FLYING SERVICE, INC.,

DEFENDANT

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CIVIL ACTION NO. 1:18-CV-00062

**PLAINTIFF'S RESPONSE TO DEFENDANT'S
RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now GLOBAL HUNTER, LLC, Plaintiff in the above entitled and numbered cause and, pursuant to LR 56.4 of the Local Civil Rules of the United States District Court for the Northern District of Texas, files this its Response to Defendant's Renewed Motion for Partial Summary Judgment filed with this Court on May 24, 2019, and in response to such motion would respectfully show this Court as follows:

1. Plaintiff opposes Defendant's Motion for Summary Judgment for the reasons that the economic loss doctrine does not bar Plaintiff's negligence and gross negligence claims, because (1) Plaintiff seeks recovery for the breach of duties that arose independently from Defendant's contractual obligations, and (2) the contract for Defendant's services governed specifically the removal and reinstallation of the AGB; and for the reason that Plaintiff seeks recovery for damages to other property: the entire engine. Therefore, the economic loss doctrine does not apply to Plaintiff's tort claims, and Defendant's Motion should be in all things denied.

2. This response is supported by the Brief in Support of Plaintiff's Response to Defendant's Renewed Motion for Partial Summary Judgment, along with the Appendix accompanying same. Both are being filed simultaneously with this Response.

3. Pursuant to LR 56.4(b) of the Local Civil Rules of the United States District Court for the Northern District of Texas, Plaintiff includes those items required by said rule in the brief being filed simultaneously with this response.

4. Plaintiff is also filing, simultaneously with this response, its Appendix, which contains evidence which supports this response.

Respectfully submitted,



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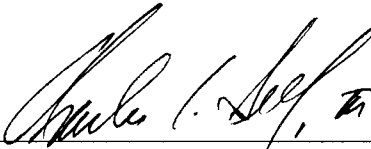
s/ Billy W. Boone

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of June, 2019, the above and foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing as follows:

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